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COMMISSION ON HUMAN RIGHTS

Forty-seventh session

SUMMARY RECORD OF THE 44th MEETING
(FIRST PART*)

Held at the Palais des Nations, Geneva,
on Wednesday, 27 February 1991, at 3 p.m.

Chairman:	Mr. VASILENKO	(Ukrainian Soviet Socialist Republic)
later:	Mr. AMOO-GOTTFRIED	(Ghana)
later:	Mr. MARTIUS	(Germany)
later:	Mr. BERNALES BALLESTEROS	(Peru)

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Human rights and scientific and technological developments

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* The summary record of the second part of the meeting appears as document E/CN.4/1991/SR.44/Add.1.

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The meeting was called to order at 3.30 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS;

(b) SITUATION OF HUMAN RIGHTS IN OCCUPIED KUWAIT (agenda item 12) (continued) (E/CN.4/1991/3, 4, 27-32, 33 and Add.1, 34-37, 69, 70, 74 and 77; E/CN.4/1991/NGO/5, 27, 29-31, 34, 35, 40 and 44; S/21907; A/45/567, 578, 607, 630, 664 and 697; E/CN.4/1990/22 and Add.1, 24-26 and 28 and Add.1)

1. Mr. DAHAB (Observer for the Sudan), speaking in exercise of the right of reply, said that Sudan figured conspicuously among the countries of the Horn of Africa suffering from food shortages, desertification, drought and, most important of all, civil strife and armed domestic conflicts, but that its current Government had, since June 1989, been pursuing a policy aimed at solving the economic crisis and finding a peaceful settlement to the conflict raging in the south of the country.

2. As early as 30 June 1989, it had declared a cease-fire, and by 15 August 1989, it had commenced peace talks in Ethiopia with the rebel movement (SPLA-SPLM), another round of talks having been held at Nairobi in November-December 1989. His Government had also pursued the peace initiatives launched by a number of countries, in particular the United States of America. It had engaged in a programme of national salvation for economic recovery, which was functioning effectively.

3. In the light of those facts, to which he drew the attention of the delegation of Canada, it was inappropriate to assert that Sudan had paid only lip-service to dealing with its problems.

4. The SPLA-SPLM had been primarily responsible for repeated violations of the cease-fire. His Government was prepared to stop the hostilities immediately, respect a cease-fire and engage in peace talks wherever the SPLA-SPLM so chose. The allegation of violations of civil and political rights was exaggerated. In fact, the state of emergency currently in force was helping the Government to deal with the very problems that were of such great concern to the delegation of Canada.

5. Mr. PAPUCIU (Observer for Albania), speaking in exercise of the right of reply, said that his delegation rejected the allegations made by the delegation of Yugoslavia on 25 February. Albania was currently undergoing a profound and irreversible process of democratization in all sectors of society. His Government would continue to give special attention to guaranteeing the human rights and fundamental freedoms of all its citizens. As part of the democratization process, new legislation had been adopted to protect human rights. The Ministry of Justice had been thoroughly recast, and freedom of assembly and the right to demonstrate and to organize were guaranteed.

6. New electoral legislation had been adopted based on the principle of a multi-party system, and a new decree had been promulgated granting all citizens the right to have a passport, to travel abroad and to return to the country. Those who had left illegally were impatient and could have legally obtained a passport and a visa, even for working in another country. A special commission had been entrusted with the task of amending the Constitution.

7. Instead of criticizing Albania, the delegation of Yugoslavia should have responded to the international condemnation of the oppression and persecution of the ethnic Albanian people in general in Yugoslavia and in Kosovo in particular. The ethnic Albanians there were being denied their right to life. Three million Albanians, the country's third largest population group, lived in Yugoslavia on its ancestral lands. Albania had not interfered in the internal affairs of Yugoslavia and sought good neighbourly relations between the two countries. The problems in Kosovo could be resolved only by repudiating violence and terror and respecting human rights, equality and justice.

8. Mr. VILLARROEL (Philippines), speaking in exercise of the right of reply, said that the case of Mr. Jaime Tadeo was illustrative of the distortions that had been spread about the human rights situation in the Philippines. Mr. Tadeo's detention had been depicted as an attempt by the Philippine Government to silence him. Although he was a human rights advocate, Mr. Tadeo was not above the law; having been convicted of fraud and misappropriation of funds, he was serving a prison sentence.

9. In 1983, charges had been brought against him by his own organization, and in 1987, a court had found him guilty and sentenced him to a prison term of 4 to 18 years; a Court of Appeal and the Supreme Court had both upheld that conviction. Before his arrest and imprisonment, Mr. Tadeo had exercised his freedom of speech and right to free assembly by appearing on television, speaking on the radio, issuing statements to newspapers and leading mass rallies against the Government, and thus, it was difficult to see how anyone could assert that his rights had been denied.

10. Mr. WANG Xuexian (China) said that, in late spring and early summer of 1989, a very small number of people had instigated turmoil in Beijing in an attempt to overthrow by violence and terror the legitimate Government and the socialist system enshrined in the Constitution. In an effort to protect the lives and property of the people, defend the national security and maintain social order and respect for the law, his Government had quelled the unrest. That was entirely lawful, appropriate and necessary, and had nothing to do with human rights.

11. A few speakers had wantonly attacked the Chinese judiciary for the trial of those involved, the purpose of those allegations being to encourage and shield individuals opposing China's legitimate Government and attempting to destroy the socialist system. It had been known for some time that a number of Western countries were seeking to change China's social and political system. China did not interfere in the internal affairs of other countries, and would not allow any foreign country or international organization to do so in its own.

12. After the turmoil had been brought to an end, the Chinese judiciary had never subjected peaceful demonstrators to arbitrary arrest, detention or trial, as some had alleged. His Government had not investigated ordinary participants in the demonstration, hunger-strike and support movement. Only a handful of criminals had been arrested and sentenced for fomenting anti-Government unrest and social chaos.

13. Such persons had in no way been engaged in the peaceful exercise of their civil rights and were certainly not prisoners of conscience. Some of them had been stirring up anti-Government turmoil, others had been guilty of assault, vandalism, looting, burning and murder, and still others had incited rebellion. Such acts had seriously endangered State security and the socialist system, caused enormous damage to the economy and trampled upon respect for law and the political and democratic rights of the majority of the people. As such, those individuals had violated both the relevant provisions of the law and the Constitution; it was only natural for the judiciary to bring such criminals to justice.

14. In handling the cases, the Chinese judiciary had complied strictly with the provisions laid down in its Criminal Code and the Code of Criminal Procedure, which were guided by the facts of the case, the rule of law and the principle of equal treatment before the law. It had also scrupulously adhered to the legal procedures for public trial and defence. The ruling on an appeal was final. Forced confessions were prohibited and could not be used in court.

15. His government's policy in dealing with persons who had violated the law was to combine punishment with leniency in order to redeem those who were redeemable. Even if a person was found guilty, an effort was made to reform him and to bring him to admit his errors so that he could again become a useful member of society. Education was the principal method used for those who had committed minor offences. Only the most serious offenders did not benefit from such an approach.

16. Most of the individuals sentenced for breaking the law during the turmoil and rebellion in 1989 had been released or had not been punished because the circumstances surrounding their offences had not been serious or because they had seen the error of their ways and performed useful service. Very few persons had received fixed-term prison sentences.

17. In considering those cases, the detailed investigations conducted by the public security organs to obtain evidence and the review of each case by the prosecutors had been strictly in accordance with the law. During the trial, the court had heard confessions, explanations and statements from the defendants. The defence lawyers, family members and relatives of the defendants had also spoken for the defence. After examining all the evidence and cross-examining the witnesses, the court had ruled that those offenders had either resorted to unscrupulous methods to incite the population to topple the Government and destroy the socialist system, had instigated others to interfere with and attack law enforcement troops or had organized sabotage of the public transport system. Sentences had been handed down that had taken into account the specifics of each case and the attitudes of the defendants.

18. China was striding proudly ahead on the road chosen by its own people. In the past 10 years, its GNP had more than doubled, and its population, 1.1 billion strong, was making strenuous and united efforts to double the GNP again in the next 10 years, a grand and concrete project for the promotion of the human rights of all Chinese that put idle talk about human rights into its proper perspective.

19. Mr. OGURTSOV (Observer for the Byelorussian Soviet Socialist Republic) said that human rights, peace and friendly relations between nations on the basis of equality, sovereignty and economic and social progress were interrelated. All States without exception must support international co-operation in the field of human rights. The Commission on Human Rights and its Sub-Commission had an important role to play in co-ordinating international efforts to promote respect for human rights and in drafting international standards on the subject.

20. Armed aggression was the most blatant violation of human rights, the clearest example being the war in the Persian Gulf region. His delegation was encouraged by the events in South Africa where, despite persistent human rights violations, the foundations of apartheid were shaking. In Chile, the democratic transformation had raised hopes that that country would soon return to the democratic ideals of its past. The interference in the affairs of the sovereign State of Cyprus had given rise to gross violations of human rights; any settlement of the Cyprus question must guarantee the rights of all Cypriots.

21. The joint European process had had a noticeable impact on the defence of human rights. In that context, the meeting in Moscow in autumn 1991 would be of vital importance and must enhance co-operation on human rights on the basis of universally recognized values.

22. Owing to the mistakes of the past, democratization of the Byelorussian SSR would take time. The Chernobyl disaster had had a terrible impact on human rights in their most concrete sense in that it had endangered the very survival of the Byelorussian people; 22.4 per cent of the territory of the Byelorussian SSR had been contaminated by radioactivity, and 20 per cent of the population had been exposed. The health of hundreds of thousands of people had been imperilled.

23. The Parliament of the Byelorussian SSR appealed to the parliaments and Governments of States, to international organizations, to financial, scientific and religious bodies, to the mass media and to all people of good will to take immediate action on General Assembly resolution 45/190 and to provide assistance in response to an emergency situation. The Supreme Soviet of the Byelorussian SSR had urged the United Nations to declare 26 April an international day for the prevention of nuclear and other industrial disasters, and hoped that the Member States of the United Nations would support the holding at United Nations Headquarters in New York of a meeting, on the fifth anniversary of the accident at the Chernobyl nuclear power plant with a view to soliciting voluntary contributions to create a Chernobyl relief fund. At a time when confrontation had given way to co-operation and mutual assistance, no nation should have to face natural disasters alone.

24. Mr. KAWYAN (Observer for Afghanistan) said that his Government had consistently endeavoured to take a more active part in international activities on human rights, including those of the Commission. Notwithstanding the difficulties Afghanistan was currently experiencing as a result of the war, it was carrying out its obligations under the Universal Declaration of Human Rights and other instruments of international human rights law. His Government had demonstrated its sincere desire to co-operate with the Commission and had made available all necessary information for the Special Rapporteur during his visit to Afghanistan from 4 until 6 January 1991, which had taken him not only to Kabul and a number of other towns but even to some parts of the country that were not under the government's control.

25. Over the past year, some important steps had been taken to implement the policy of national reconciliation. For example, the Loya Jirgah, or grand assembly, which had been convened in 1990 had proceeded to amend the Constitution. Under the new Constitution, which was designed to create a legal system that would effectively guarantee the rights and freedoms of the people, the Republic of Afghanistan was described as independent, indivisible and Islamic, with sovereignty over the entire national territory.

26. The new socio-economic system was based on the reality of Afghan society. Thus the Constitution established that Afghanistan was a multinational country and that the State should seek the development of and co-operation among all the nationalities, clans and tribes of the country. It also incorporated all the internationally accepted standards of human rights and freedoms, including the Universal Declaration of Human Rights.

27. The new Constitution further recognized the tripartite nature of the State and the independence of the judiciary. Individual rights and freedoms were guaranteed and far-reaching changes had been made to the civil and penal legislation.

28. One of the immediate effects of the amendments to the Constitution had been the creation of political pluralism. Nine political parties had been formed. Freedom of the press and freedom of thought and expression were rights that were openly exercised. Some 15 private newspapers, weeklies and periodicals had started operating. Again, under the new Constitution, non-governmental organizations had been formed, consisting of trade unions, and of young people's and women's organizations.

29. Representatives had been elected to local government and municipal authorities. Other rights guaranteed under the judicial and legal system were the right to individual freedom, equal rights for all, the right to life, freedom of religion and the right to personal freedom. Torture, cruel, inhuman or degrading treatment and punishment were punishable.

30. In order to create a socio-political atmosphere in which to implement those constitutional principles, the Republic of Afghanistan had first signed the Geneva agreements which had led to the withdrawal of foreign troops from the country. Since then, armed extremist opposition groups had stepped up their activities, however, and were seriously impeding the return of Afghan refugees. However, the Government had taken all the legal measures for their return and had guaranteed their safety under the Constitution. He wished to thank the United Nations High Commissioner for Refugees for his assistance in that connection.

31. One of the immediate tasks facing the Government was the removal of mines from the war-torn areas. In 1989, a demining programme had been undertaken with the assistance of the United Nations Co-ordinator for Humanitarian and Economic Assistance Programmes relating to Afghanistan. In 1990, the Government had set up a national commission for mine clearance to identify the mine sites, train demining personnel and pursue a campaign to inform the public about the existence of mines.

32. The Special Rapporteur had been critical in his report (E/CN.4/1991/31) of human rights in Afghanistan, but it should be remembered that a war was going on in the country. There had been increasing understanding between the State and some opposition groups, however, with the result that some parts of the country had been converted into zones of peace and members of former armed opposition groups had laid down their arms and were running the local administration. Permanent peace had been created at the national level also, because the ruling party had relinquished political power. Opposition groups abroad had been invited to return and participate in the national Government. The country was directing its energies to building peace and new ways of creating incorporation and new relations with its neighbours, particularly Pakistan.

33. He expressed deep regret at the abduction of the four delegates of the International Committee of the Red Cross by armed extremist groups and hoped that their early release could be secured.

34. Mr. DUNA (Observer for Turkey) said that he hoped that the serious problems of Jammu and Kashmir would soon be settled by the parties concerned. The relevant United Nations resolutions and the 1972 Simla Agreement could provide the framework for a peaceful solution.

35. He felt duty-bound to draw the attention of the Commission to the worsening situation of the Turkish Muslum minority in Western Thrace, Greece. Under Greek law and practice, members of that minority were being systematically discriminated against and their human rights violated.

36. For example, one provision of the Greek citizenship code, under which any person of non-Greek ethnic origin who left Greece without the intention of returning could be deprived of Greek nationality, had often been used to strip members of the Turkish minority of their Greek citizenship. The proportion of the land in Western Thrace owned by that minority had fallen from 80 per cent in 1923 to about 20 per cent in 1991. Notwithstanding a specific guarantee in the Greek Constitution, restrictions on purchasing property were imposed on that minority but not on ethnic Greeks. Greek citizens of Turkish origin had had their lands nationalized to a considerable extent and, since most of them were farmers, the expropriation of fertile land was a fatal blow. They faced restrictions in the purchase and sale of businesses and were condemned to live as poor second-class citizens.

37. Their freedom of movement had been curtailed by their confinement to "restricted areas" and the requirement to obtain passes to travel in and out of those areas. Their freedom of expression was severely restricted and the Greek authorities jammed their television and radio stations. Their religious freedom had been violated by the denial of the right to choose their own religious leader or mufti. A Government decree to that effect had been issued on the eve of the election of the mufti of Komotini in December 1990.

38. The Turkish Muslim minority was not allowed to make its voice heard through its legally and freely elected representatives to the Parliament. A member of the minority, who had been elected to Parliament as an independent deputy from Komotini in 1989, had been imprisoned for having described the ethnic origin of the Muslim minority as Turkish.

39. Greece's policy was one of denying that ethnic identity and the Greek courts had actually outlawed the use of the word Turkish to describe the minority. In addition, the law on parliamentary elections had been amended to exclude independent candidates from election to the Parliament. Another move had been to try to remove the immunity of the two Greek parliamentarians of Turkish ethnic origin.

40. Those abuses had been to no avail. There was a growing international awareness of the situation of the Turkish Muslim minority in Western Thrace, even among EEC human rights organizations. The pursuance of such policies of blatant human rights violations by the Greek Government were incompatible with the positive trends in Europe. He called upon Greece to abide by its international commitments to the Turkish Muslim minority and said that Turkey would continue to pursue the issue vigorously until Greece abandoned its current policies.

41. Mr. DOBREV (Observer for Bulgaria) said that the measures adopted by his Government to achieve democracy included amendments to the Penal Code to bring it into line with international standards, the guarantee of the freedom of the press and of expression, the right of assembly and protest and the restoration of the multi-party system. In June 1990, the first free elections had been held to a Grand National Assembly that had the task of drafting and adopting the new Constitution. The violations of the rights of the Muslims in Bulgaria had been condemned and reparations made. Since the Presidential amnesty in September 1990, there were no "political prisoners", and there had been no executions since mid-1989 and no death sentences in 1990.

42. His Government had, in principle, taken the decision to ratify the first Optional Protocol to the International Covenant on Civil and Political Rights. The Grand National Assembly had already ratified four European Conventions and the Government was anxious to accede to the Europe Convention on Human Rights. The various religious communities were able to worship freely. The campaign to inform the public about the various international human rights instruments was being actively supported by the many non-governmental organizations which had emerged in the new democratic climate.

43. The United Nations Centre for Human Rights had lent valuable support to the promotion of the democratic process. Bulgaria had recently signed the Convention on the Rights of the Child and had begun the ratification procedure.

44. He welcomed the progress made in recent years in solving regional and global problems by a more effective worldwide use of the mechanisms provided for in the Charter of the United Nations. Thus, for example, the Security Council resolutions on the Iraqi occupation had enabled those United Nations mechanisms to be used in the case of a breach of the peace and of aggression.

45. His Government believed that the problems of security, co-operation and respect for human rights in the Balkans should be considered in the pan-European context. The addition of new dimensions to the mutual interdependence of the European continent was the only way to overcome the contradictions of the past, as that constituted the surest guarantee against flagrant and massive violations of human rights. It was on that basis, but above all through United Nations efforts, that his Government expected a solution to be found to the problem of Cyprus.

46. Bulgaria was laying the foundations of a parliamentary democracy and the assistance of the international community was vital to ensure the success of that process and to help the country emerge from its crippling economic crisis. Although Bulgaria was not currently a member of the Commission, his delegation would continue to work for the successful outcome of the forty-seventh session and to co-operate with all delegations for the triumph of human rights and fundamental freedoms throughout the world.

47. U AUNG THANT (Observer for the Union of Myanmar), speaking in exercise of the right of reply, said that the allegations made by certain non-governmental organizations and Western delegations on the situation in his country were mere fabrications. Their statements showed a biased attitude and ignorance of the history, people, and culture of the country. The terms of reference of the United Nations human rights bodies had emphasized the need to refrain from adopting politically motivated positions and to avoid the use of derogatory references to Governments of Member States.

48. The Union of Myanmar had been endeavouring to re-introduce a multi-party democratic system and a market-oriented economy, to which end at least 20 new laws had been enacted. He hoped that, even if Myanmar did not receive appreciation and support for its efforts, they would at least be understood by friendly countries.

49. His Government had duly answered all the communications and complaints received through the Centre for Human Rights. The alleged violations of human rights, such as the torture of detainees and inhuman and cruel treatment of prisoners, imprisonment on the grounds of political belief, were completely unfounded.

50. Free and fair elections had been held as scheduled and plans had been drawn up to convene the assembly of elected representatives to draft a constitution. The democratic process was proceeding steadily, with the support of both the Government and the people, and any external imposition or dictates would be undesirable and counter-productive. Myanmar was determined to forge ahead with its plans for political and economic reform and was confident of success.

51. The attendance of certain anti-Government groups at sessions of the Commission, under the guise of members of non-governmental organizations, and their criticism and abuse of Governments of Member States was an unfortunate trend that should be stopped. His Government took strong exception to that development and protested against it.

52. Mr. KERKINOS (Observer for Greece) said that his delegation fully agreed with the reference to Cyprus by the observer for Luxembourg in his statement on behalf of the European Community. It was to be hoped that the effort to restore peace, co-operation and international morality which should be an outcome of the current major world events would not be politically selective, and that the situation in Cyprus, in particular, would not be overlooked.

53. He again reminded the Commission, as at previous sessions, that Cyprus, an independent, sovereign, democratic and non-aligned member of the United Nations, had been suffering occupation of part of its territory, and gross violations of the Cypriot people's human rights and fundamental freedoms, for 17 years. General Assembly and Security Council resolutions calling for the withdrawal of Turkish forces had not been implemented. At a time of renewed hopes for better observance of the rule of law, the defiance of the calls voiced in the world's highest forums in the case of Cyprus stood out as an alarming exception.

54. Greek and Turkish Cypriots alike were denied the fundamental freedom to move and settle freely in their own country. Nearly 200,000 Greek Cypriots who had fled their homes in the occupied north were still denied the right to return, despite the relevant General Assembly and Security Council resolutions, not to mention Commission resolution 1987/50.

55. Instead, Turkey had initiated a policy of colonialization, from the mainland, of the illegal entity - an attempted conversion of the island's demographic structure, to which the Cypriot population as a whole, including Turkish Cypriots, had taken strong exception due to the adverse effects on their own social, economic and political conditions. Thousands of them had chosen to emigrate; but already 80,000 alien settlers had been introduced from Anatolia, to be added to the army of 35,000 which Turkey had kept on the island since the 1974 invasion.

56. The oppressed persons living in enclaves in the occupied part, once numbering 20,000, had dwindled to 600 due to systematic harassment. Despite the adoption of United Nations resolutions and the setting up of a Committee on Missing Persons in 1981, not a single case brought before the Committee had been clarified, due to lack of any co-operation from the Turkish side; no information whatsoever had ever been provided concerning 1,619 missing persons.

57. Turkish students had been allowed to settle in deserted hotels in Famagusta, despite repeated Security Council resolutions and appeals by the Secretary-General. The systematic plundering, smuggling and destruction of cultural treasures, and attempts to change topographical names which had existed for thousands of years, were among the occupiers' efforts to destroy the ancestral Hellenism of the island.

58. The status quo was frankly untenable. The Secretary-General, addressing the recent session of the Conference on Security and Co-operation in Europe, had mentioned Cyprus as Europe's only outstanding international conflict. Greece steadfastly supported the Secretary-General's good offices mission and expected that Turkey, the Power behind so much intransigence, would finally decide to abide by what was both legal and moral. Only when the Turkish occupying force withdrew, pursuant to the numerous relevant Security Council resolutions, could Cyprus fully resume its independence, sovereignty, territorial integrity and unity; only then could the people of Cyprus exercise

its human rights and fundamental freedoms and the world be convinced that international human rights standards and instruments were not for a few but for all.

59. Mr. Amoo-Gottfried (Ghana) took the Chair.

60. Mr. LINBIN (International Work Group for Indigenous Affairs) said that he was the Secretary of the National League for Democracy; he had been elected to the parliamentary constituency of Maymyo in Upper Burma (Myanmar) in May 1990, but had been prevented, together with other opposition colleagues who had won 82 per cent of the contested seats, from taking his seat because the State Law and Order Restitution Council (SLORC) had refused to hand over power to the people's elected representatives. Accordingly, 250 of those representatives had mandated a number of colleagues to establish the National Coalition Government of the Union of Burma, of which he was the Foreign Minister.

61. The Burmese people had welcomed the Commission's appointment of an independent expert to investigate the situation in their country. Since the elections, most of the opposition party leaders had been arrested, publications had been prohibited and premises had been raided by army, police and intelligence personnel. According to reliable resources, over 50 members of parliament had been arbitrarily arrested; over 4,000 people were in prison for political reasons, many of them detained without charge or trial; and there were widely documented cases of torture and ill-treatment, including the torturing to death of two NLD members, U Maung Ko and U Tin Maun Win.

62. Brutal suppression of peaceful rallies had led to deaths and injuries; Buddhist monasteries had been raided by soldiers, the monks having been driven out and hundreds arrested and imprisoned. Since July 1989, the military tribunals had been empowered to pronounce sentences of death, life imprisonment and hard labour, with no right of appeal; 24 death sentences had already been carried out. Martial law orders still prevented freedom of expression and assembly. The SLORC had stepped up its war against ethnic nationals; villages had been looted, large numbers of people had been killed, and others were forced into portering and other menial tasks, in violation of the ILO Forced Labour Convention No. 29, which Burma had ratified.

63. The military régime's practices were violating the Burmese people's right to self-determination. He called upon the Commission to transfer consideration of the situation in Burma from its confidential to its public procedure and to appoint a special rapporteur. He also called on the international community to recognize the National Coalition Government of the Union of Burma as the country's legitimate Government, meanwhile declaring vacant the country's seat in the United Nations, and to apply the maximum political and economic measures, including trade sanctions, to persuade the SLORC to release all political prisoners, including the NLD leader Aung San Suu Kyi, and enter into negotiation with the winners of the elections to arrange a speedy transfer of power.

64. Mr. ALBORZI (Observer for the Islamic Republic of Iran) said that changes in contemporary international relations had enhanced co-operation and dialogue, leading to wider attention to international norms and standards in various fields, including human rights. The non-selective application and

implementation of international human rights instruments had become more essential than ever, as underlined by Economic and Social Council resolution 1990/48.

65. With regard to the report on the human rights situation in the Islamic Republic of Iran (E/CN.4/1991/35) by the Commission's Special Representative, the latter had duly noted that the mandate relating to Iran was one of the most controversial of all, since it had been highly politicized, the debate having begun some years previously at a time when Iran had been faced with numerous difficulties. At that time, a number of countries had been seeking to put political pressure on Iran for various reasons; communist and other organizations had also been striving to overthrow the legitimate Government; Iran had also become involved in a war which became a long and devastating one because of the wide support a number of countries had provided to the aggressor; and it had also become the target of terrorism. The problems it had faced were enough to bring any well-established Government to the brink of collapse.

66. Those days were past, however. Most countries had come to realize that the Government of Iran was a stable one and had established friendly relations; the fall of communism had led to the disarray of communist groups; the devastating war was over; and terrorist groups had turned their attention elsewhere. Therefore, the mandate on Iran was outdated and should be ended; almost all delegations seemed to think that it no longer had much relevance.

67. The Special Representative's report was unnecessarily long; 95 per cent of it consisting of correspondence, communications, sporadic allegations or counter-allegations, and replies. Focusing, therefore, on the chapter on conclusions and recommendations, he noted that, although the Special Representative had highlighted the number of death sentences in Iran, he had confirmed that nearly all of them related to drug traffickers. In fact, there had not been a single political execution.

68. The authorities would like to see the numbers reduced and there was, in fact, a diminishing trend, because of the falling crime rate. Iran was at the cross-roads of international narcotics traffic and had no alternative to adopting strong measures against it. Fortunately, the campaign was showing signs of a major success; accordingly, it was expected that there would be fewer traffickers who would have to face justice in the future.

69. Although the Special Representative had suggested that some shortcomings remained with regard to overall political activity, all institutions were, in fact, functioning on the basis of pluralism. The national Parliament, as he had seen, was one of the region's liveliest, in which even the most extreme political, social and economic views could be aired. All the legislative, administrative and judicial decisions were taken on the basis of consensus or, failing that, by a majority. A few shortcomings did remain, as the authorities themselves had pointed out to the Special Representative; but the exercise, it should be borne in mind, was new to Iran and would require some time to mature.

70. Some sporadic allegations of human rights violations were referred to in the report, but there was nothing that could be considered as routine and systematic violation. The most significant point was that Iran had maintained

the fullest co-operation at the highest level with the Special Representative, even though some of his criticisms had been unreasonable and unsubstantiated. Although the Special Representative had presented no specific view about monitoring, he had stressed that it should be non-selective and impartial. Therefore, technical analysis of the report and the merits of the case showed that the situation should not, in all fairness, remain under review, unless the exercise was to become a general routine which could apply to almost all countries.

71. The human rights situation in Iran had evolved dramatically. All the Special Representative's recommendations, many of which had also been under the Government's consideration, were being responded to. Iran stood ready to continue its close co-operation with the United Nations, firmly believing that the latter could help to promote human rights in an objective, non-politicized way. The priority issue with regard to the situation in Iran concerned the millions who had been afflicted by war, including the millions of Afghani, Iraqi, Kurdish and Kuwaiti refugees whose basic human rights had been adversely affected.

72. Mr. BANISADR (International Falcon Movement - Socialist Educational International) said that, although most Governments had accepted the Universal Declaration of Human Rights, acceptance and commitment were not the same; in that respect, the ruling régime in the Islamic Republic of Iran had surpassed all other violators. Its representatives had officially declared, at the General Assembly's previous session, a reluctance to observe some articles of the Declaration which contradicted their so-called Islamic laws; the régime was thus clearly distorting and ridiculing Islamic teachings as well as the Declaration.

73. Although the Deputy Foreign Minister had told the Special Representative, on 22 July 1989, that, under Islamic law, the unjustified slaying of even a single individual was considered tantamount to destruction of the population as a whole, the statement did not stand up to scrutiny. Even disregarding the facts and figures provided by the resistance, which included 90,000 political executions, the official figure of 5,000 executions of political prisoners charged with being "at war with God" spoke for itself.

74. In 1989, as a result of international pressure, the pretext of criminal charges - particularly relating to drug trafficking - had been introduced, on account of the Special Representative's mention, in his previous report, that drug traffickers enjoyed not the slightest sympathy in any country; it was no coincidence, therefore, that the number of ordinary criminal executions had suddenly risen from 142 in 1988 to 1,500 in 1989.

75. The number of officially announced executions during the past year alone equalled the total number publicly reported around the world. The escalation of executions from the 76 announced in November 1990 to 93 in January 1991 indicated an increasing trend. According to the official newspaper Kayhan, on 3 February 1991, 33 executions had been announced. The methods of public hanging, stoning and beheading stemmed from the régime's need to create a climate of fear in order to suppress protest - a policy confirmed by a political deputy for the Supreme Court in a statement published by the newspaper Ressalat on 25 June 1990.

76. The régime was violating not only the fundamental right to life but others set forth in the Universal Declaration. On 16 December 1990, the head of the Supreme Court had officially announced that torture of prisoners to obtain information was justified. During the past year there had been further officially announced arrests relating, inter alia, to non-observance of the dress code and the veiling of women, in addition to the pretext of drug trafficking. And the call for the death of a British author typified the way in which the régime sought, under the banner of Islam, the religion of mercy and freedom, to deal with political opponents.

77. The assassination of Professor Kazem Rajavi, a tireless defender of human rights, showed the régime's readiness to violate political opponents' rights in other countries, too; although the régime had superficially condemned that murder in response to the worldwide outrage reflected by the Special Rapporteur on summary or arbitrary executions, it had stated that the holding of any sort of passport by any number of persons did not constitute grounds for alleged complicity - although the Special Representative had repeatedly referred to the difficulties Iranians faced in obtaining even an ordinary passport, let alone the service passports allegedly held by the 13 assassins.

78. Adoption of a lenient attitude towards a régime that officially violated the fundamental principles of the Universal Declaration would always produce negative results. Even the mild tone of the Special Representative's criticisms had been dubbed, by the Head of the Judiciary, an insult to the régime, Islam and Muslims. Although the Special Representative spoke about the highest level of co-operation, the régime had allowed him to visit only one prison, at Evin, to interview selected prisoners. Iranian officials had spoken to him of 113 executions, while official newspapers had reported over 500. And although the régime, in order to forestall a critical resolution by the General Assembly, had promised to co-operate with the International Committee of the Red Cross (ICRC), no visit had materialized.

79. The Special Representative's report regrettably bore no reference to mass executions, to the 75 different forms of torture and to eyewitness testimony of human rights violations. He had even turned a blind eye to the contradictory nature of the régime's statements; one example was his reference to the regulations for the establishment of associations which, in practice, ensured that associations to promote political opinions or protect human rights were not legally recognized. He spoke of so-called human rights associations such as the Organization for the Defence of Victims of Violence, which was known only to prisoners and torturers and run by an agent of the Ministry of Information. He made direct references to so-called members of such sham associations, without seeking to establish their authenticity, although it was clear, from his previous reports, that many prisoners had been induced to give false statements in favour of the régime.

80. Even the most distorted facts reported by the Special Representative failed to disguise the clear violations of human rights that had occurred, to which the Commission must make an appropriate and firm response. Together with 40 other non-governmental organizations, his organization urged the Commission, at its current session, to pay tribute to the memory of Professor Kazem Rajavi and to condemn his assassination.

81. Mr. KHOURI (Union of Arab Jurists) said that the world was currently witnessing an act of premeditated aggression, by the United States and its Zionist and other allies, against the people and territory of Iraq, including the subjecting of civilians to bombardments of such ferocity that in some cases the victims' bodies were charred beyond recognition. Such criminal acts, preceded by a seven-month blockade of Iraq, with the sole aim of forcing the Iraqi people to bend the knee, were a violation of international law, and specifically of article II, paragraph (c) of the Convention on the Prevention and Punishment of the Crime of Genocide.

82. There was nothing new about the application of such a policy against an Arab people. For years Israel, with the support of the United States and other allies, had been implementing a policy of genocide against the Palestinian people, in defiance of numerous protests by the international community, including many United Nations resolutions which inter alia upheld the Palestinian people's right to self-determination. The United States blocked all attempts in international forums to halt Israel's policies and practices.

83. A possible honourable and peaceful solution to the Arab conflict in the Gulf had been hampered by the United States, which had opted for a military confrontation with Iraq. A United States Congressman, Henry Gonzalez, had stated at a press conference on 16 January 1991, one day before the beginning of the aggression, that President Bush had violated the United States Constitution and international law in his war preparations and had exceeded his presidential prerogatives by dispatching the Marines with a view to imposing a blockade. Mr. Gonzalez had disclosed the carrot-and-stick methods used by the United States to force the Security Council to adopt its resolutions, particularly resolution 678 (1990), in flagrant violation of the Charter of the United Nations, which advocated peace, not war.

84. It was obvious that the objective of the war was not the liberation of Kuwait, especially as Iraq had announced and carried out the withdrawal of its troops. The objective had been to seize the resources of the region, flouting the rights of its people to self-determination and attacking the dignity of that people, in violation of the preamble to the Universal Declaration of Human Rights. The insistence of the United States and its allies on pursuing the war was also in contravention of article 6 of the International Convention on Civil and Political Rights.

85. One of the nefarious aspects of the destructive and unjust war, aside from the material and human losses, was the attempt to prevent the dissemination of the principles of human rights in the Middle East and the third world in general. The United States was seeking to impose a new international order in which the rich would subjugate the poor, an order based on the law of force rather than on the force of law. The United States and its allies were applying a double standard in order to achieve their strategic aims and preserve their interests; in so doing, they had diminished the credibility of international instruments.

86. The Arab nations were aware that the Gulf régimes which the United States and its allies claimed to defend did not believe in human rights, democracy or equality. The leaders of those retrograde régimes merely signed monitoring instruments without adhering to human rights instruments.

87. Mr. DHAMMA (World Conference on Religion and Peace) said that he had been ordained as a Buddhist monk in Burma 52 years previously. In an earlier statement to the Commission, he had referred to the Buddhist teaching concerning the duties of rulers, including the duty not to oppose the will of the people, but rather to govern in harmony with them. While all people suffered from natural afflictions such as illness and old age, people in countries under dictatorship or martial law were subject to what might be termed surplus suffering, involving torture, arbitrary imprisonment, summary trials and other gross violations of basic freedoms.

88. That was especially the case in his country, Burma. As a Buddhist monk, he was distressed that such things were being done in a country where 85 per cent of the population was Buddhist. What was happening in Burma was a great discredit to the teachings of the Buddha, the principal teaching being peace, goodwill and harmony among living beings.

89. Since the elections in his country, the monks had come to the fore, calling on the military to follow the clearly expressed will of the people and hand over power to their elected representatives. They had adopted a specifically Buddhist approach, refusing to accept offerings from soldiers and their families or to perform religious ceremonies for them. That was one of the most extreme measures which monks could take. The decision to adopt such forms of non-violent action had been taken in August 1990, following the harsh repression by the military of peaceful demonstrations, in the course of which some monks had been among those killed.

90. The monks' non-violent boycott had itself been crushed and many had been arrested. There were currently about 400 monks in prison and some had reportedly died there.

91. He called upon the Burmese army to return to its traditional function as the people's army and to support the people's choice of leaders, and appealed to the military Government to release all political prisoners immediately and to enter into a dialogue with the victorious opposition parties with a view to a speedy transfer of power. He urged the international community not to regard human rights violations or inhumane treatment as the internal affairs of any country, but as the concern of all mankind, and to use all non-violent means, including economic sanctions, to encourage the State Law and Order Restoration Council (SLORC) to undertake the measures which he advocated. Lastly, he called upon the Commission to appoint a special rapporteur on Burma, so that the suffering of the Burmese people would not be forgotten by the world.

92. Mr. EYA-NCHAMA (International Movement for Fraternal Union among Races and Peoples) said that he continued to be concerned about the fate of United Nations officials and staff members of other international organizations who were detained in Ethiopia, namely, Melake Belay and Tesfamariam Zeggae of the Economic Commission for Africa and Mrs. Guenet Mebrahtu of the World Health Organization. The latter had been detained for more than 20 months without having been formally charged. He called for the immediate release of those persons.

93. Three officials of the United Nations Development Programme and five officials of the Food and Agriculture Organization of the United Nations (FAO) had been expelled from Mauritania in 1988 and 1989. He hoped that the Government of that country would explain the reason for those expulsions.

94. Two officials of the World Food Programme had been killed in armed attacks in Sudan and Uganda. In Zambia a FAO official had been killed.

95. He was also very concerned at the recent events in Liberia. The political leaders of that country had acted irresponsibly and the civilian population had been and was being denied the right to life. He appealed to the international community not to abandon the Liberian people to its fate.

96. In Mali, the situation of human rights and fundamental freedoms was disastrous. In May 1990 the National Union of Malian Workers had called for political and trade-union pluralism, but General Traoré intended to continue to act as dictator as he had been doing for more than 22 years. In January 1991, demonstrations had led to rioting, resulting in great loss of life. He demanded the resignation of General Traoré so that the Malian people could exercise its right to self-determination.

97. Since October 1990, many disturbing reports had been received from Rwanda, where an armed confrontation was taking place between the military Government and the Rwandan Patriotic Front. He was very concerned at the manner in which the authorities at Kigali had conducted the trials of members of the opposition.

98. For more than four years, his organization had been drawing attention to the appalling dictatorship of General Siad Barre in Somalia. Siad Barre had since been forced from power and was currently a refugee in the south of the country; his fate should be a warning to other African dictators.

99. The situation of human rights in Chad was also alarming. Since gaining its independence in 1960, the country had been ruled by a series of dictators. However, the tragedy of Chad had been compounded by foreign interference in the country. He appealed to the international community to bring pressure to bear on the States concerned to withdraw all foreign troops and suspend all forms of military aid to the various factions competing for power.

100. As from 24 April 1990, the office of President no longer existed in Zaire. On that date, President Mobutu had announced that he was no longer Chairman of the Mouvement Populaire de la Révolution (MPR), the country's sole legal political party. Since article 36 of the Constitution stipulated that the Chairman of MPR was automatically President of Zaire, Mobutu should resign the presidency. In May 1990, when students at the Lubumbashi University campus had demanded Mobutu's resignation in accordance with the Constitution, Mobutu had responded by ordering his personal troops to attack the students, resulting in a massacre.

101. The struggle to ensure a peaceful transition of power continued throughout the African continent. He congratulated the former President of Cape Verde on having organized uncorrupted multi-party elections on 17 February 1991, which had been a great step forward in the promotion and protection of democratic rights.

102. Ms. BANDETTINI DI POGGIO (International Peace Bureau), speaking on behalf of 22 non-governmental organizations, expressed her serious concern at the violations of human rights and fundamental freedoms in Sri Lanka, to which a number of speakers had already referred. She urged the Commission to adopt a resolution on Sri Lanka as it had done in the case of many other countries.

103. The resumption of armed hostilities in June 1990 in the north-east province between the Government of Sri Lanka and the Liberation Tigers of Tamil Eelam had been accompanied by increasing human rights violations. In addition to the 3,000 combatant deaths reported by the Government, local organizations had reported at least 4,000 deaths of unarmed civilians. Of particular concern was the relentless and indiscriminate aerial bombardment of the north. Economic life had been totally disrupted and the supply of food, electricity and water was inadequate.

104. On 7 December 1990, 1.2 million persons had been displaced from their homes in the north and east. At least 210,000 had fled to Tamil Nadu.

105. In the south, too, the human rights situation continued to be of grave concern. There were 1,140 outstanding cases of disappearance; 40 disappearances had occurred in January 1991 alone. On 3 December 1990, the Government had acknowledged that 8,295 persons remained in detention under emergency regulations.

106. The organizations she was representing were convinced that a resolution of the Commission on Sri Lanka would decrease human rights violations and promote freedoms. She called upon the Commission to reaffirm its resolution 1987/61, which had recognized the necessity of ending the armed hostilities in order to enable the resumption of negotiations, to express its serious concern at the continuing violations of human rights and fundamental freedoms in Sri Lanka and to convey its support for the role that the Centre for Human Rights and its mechanisms could play in the promotion of human rights in that country.

107. The organizations she was representing were also disturbed by the worsening human rights situation in East Timor. In addition to the hundreds of disappearances and summary executions which had been reported since the beginning of the Indonesian occupation in December 1975, numerous murders and systematic acts of torture had been perpetrated since August 1990, particularly against young people, as described in the note by the secretariat (E/CN.4/1991/37). She appealed to the Commission to take into account those grave violations of human rights and to press the Indonesian authorities to discontinue such practices and to open the territory to humanitarian organizations and missions of inquiry. Security Council resolution 384 (1975) had called for the immediate withdrawal of Indonesian forces from East Timor; unfortunately, that resolution had remained a dead letter.

108. Mr. RAIANI (International Organization for the Elimination of All Forms of Racial Discrimination) said that the situation of human rights in Africa was bleak and that merely talking about human rights was considered to be a subversive activity in many African countries. The Ethiopian Government was a grim example of a régime which had no respect for human rights.

109. In Latin America, human rights continued to be violated. In Honduras, many cases of extra-judicial executions, torture, illegal detention, illegal searches and serious injury to civilians by members of the security forces had been reported. His organization was also concerned about the human rights situation in Cuba and, in particular, the fate of imprisoned human rights activists, the psychiatric hospitalization of dissidents and the violation of Cuban laws and of the Universal Declaration of Human Rights.

110. In the Arab world, human rights were violated on a daily basis. Half the Arab countries were governed by military dictatorships and the other half by feudal monarchies. In Saudi Arabia, women had no rights, not even the right to drive a car. In November 1990, 41 women who had dared to drive their cars in Riyadh in a protest action had been arrested and dismissed from their jobs, and their husbands had been interrogated by the police.

111. In North Korea, the entire population was under detention. Torture, disappearances and abuses of authority were widespread. Handicapped people suffered discrimination and were prohibited from living in the capital.

112. In the past year, there had been no improvement in the human rights situation in China. Since December 1989, the Chinese authorities had conducted summary trials of students and intellectuals. In contravention of minimal international standards for a fair trial, defendants had been given inadequate time to prepare a defence and had not been permitted to call witnesses or to select independent lawyers. Students and intellectuals had been sentenced to prison terms ranging from 2 to 19 years for exercising their right to freedom of expression and association.

113. Several human rights organizations had compiled a list of over 800 detained persons, including many in Tibet. It was believed that large numbers of prisoners remained unacknowledged, and the number of detainees held incommunicado was unknown.

114. Many pro-democracy detainees released in 1990 had testified to the tortures inflicted on themselves or their fellow inmates. Beatings, electric shocks and shackling were commonplace.

115. There had never been an official Chinese investigation into the large number of deaths during the violent suppression of the demonstrations in 1989. Subsequent attempts to organize student demonstrations at Chinese universities had been suppressed. Leaders of the autonomous trade-union movement formed in 1989 had been detained without trial and subjected to particularly harsh punishment. The Chinese authorities had reverted to a policy of suppressing religious groups and individuals, including Catholic priests and non-conformist ministers. Recently, Muslims had been subject to violent repression. In Tibet, several hundred monks and nuns had been summarily expelled from their institutions.

116. The Chinese authorities had strengthened their control over the news media, both domestic and foreign. Dozens of journals had been closed. Chinese citizens had been arrested, intimidated or imprisoned for speaking to foreign journalists.

117. He urged the Commission to appoint a special rapporteur to investigate the allegations of human rights abuse in China. He also called upon the Chinese Government to guarantee detainees the right of access to independent legal counsel, the right to contact their families and adequate time in which to prepare a defence. It should also ensure that all trials were open to the public and that the Chinese legal system was in conformity with international minimum standards for a fair trial and the Universal Declaration on Human Rights. It should submit to the Commission a full account of persons detained, the charges against them, if any, and the locations where they were held; and should restore full rights to religious believers and end the persecution and arrest of religious leaders.

118. Mrs. NGUYEN (Observer for Viet Nam), speaking in exercise of the right of reply, said that, at the previous meeting, the observer for Luxembourg, in a statement on behalf of the European Community, had referred to "political prisoners" allegedly still detained in Viet Nam. She wished to make it clear that, since the liberation of South Viet Nam in 1975, the Government had set free and restored citizenship to some 1.3 million people who had collaborated with foreign armed forces during the war. No "bloodbath" reprisals or executions had taken place in Viet Nam, as they had in Europe after the Second World War.

119. Only a few people remained in detention today, and they were not political prisoners but war criminals guilty of serious crimes and massacres against the people. By May 1989, there had been only 128 persons still in detention, and the Government kept their cases constantly under review. There were no political prisoners in Viet Nam. The people who were in detention were there because they had broken the law, and not because of their ideology or beliefs.

120. Mr. ROA KOURÍ (Cuba), speaking in exercise of the right of reply, regretted that the spokesman for the European Community, in his statement at the previous meeting, had seen fit to repeat allegations which bore no relation to the real situation of human rights in Cuba. None of the Cuban citizens who had contacted the members of the mission which had visited the country in 1988 had been subjected to reprisals. Precisely 0.02 per cent of more than 1,500 persons in question had been arrested for reasons unconnected with the mission's visit.

121. Austria, Norway and Japan had also expressed concern about the human rights situation in Cuba. For its part, Cuba had long been concerned about the racism which still persisted in Austrian society, and he hoped that the other two countries would look at the situation in Cuba with a more open mind and would not be duped by the disinformation propagated by the media.

122. His delegation welcomed the willingness expressed by the spokesman for the European Community to continue the dialogue with Cuba. Cuba, for its part, was also willing to continue, provided that the dialogue was a two-way process; Cuba was greatly concerned about various human rights issues, especially the position of third world immigrants in the European Community.

123. Like all States Members of the United Nations, Cuba considered itself under an obligation to assure the exercise of political, civil, economic, social and cultural rights both at home and abroad. It had done so in the past, and it would continue to do so in the future.

124. Mr. JAZIC (Yugoslavia), speaking in exercise of the right of reply, said that, in its statement under item 12, his delegation had spoken of the current problems in the province of Kosovo and how they could be solved. However, a number of delegations, including France, Austria and the spokesman for the European Community, had not accepted his explanation. Yugoslavia was determined to defend its sovereignty and political integrity, in accordance with the Charter of the United Nations, and wished to achieve reform through a democratic dialogue.

125. The representative of the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD), speaking on agenda item 10, had made unacceptable and false allegations about the situation in Kosovo. His delegation had inquired into three of the cases the representative had mentioned. In the first case, the alleged victim had signed a written statement in the presence of his lawyer that he had not been ill-treated by the security forces. In the second case, the person concerned had signed a similar statement saying that he had suspected that the people who had attacked him had been members of the security forces, but had no proof. In the third case, the person concerned had been sentenced to 50 days in prison, but had been unconditionally released when he had been found to be too ill to serve the sentence.

126. Greece and Bulgaria had objected to Yugoslavia's remarks about the treatment of the Macedonian minorities in those countries. His delegation hoped that they would apply to the groups concerned the international standards for the protection of minorities. The observer for Albania had spoken of the many changes taking place in that country, but Yugoslavia would need proof before its concern was lessened. Advocating one's own concept of self-determination for another country, as Albania had done in the case of Kosovo, was interference in the internal affairs of others.

127. U WIN MRA (Observer for Myanmar), speaking in exercise of the right of reply, said that the representative of the International Work Group for Indigenous Affairs, who had made allegations against his country earlier in the current meeting, was an imposter hiding behind the authority of a non-governmental organization. He was a fugitive from the law, who had sold himself and his country to insurgents and their foreign backers. He was the puppet of a veteran insurgent, who was present at current session, but stayed well behind the scenes. The allegations made had been so ludicrous that they were unworthy of the slightest consideration.

128. Mr. WIRAJUDA (Indonesia), speaking in exercise of the right of reply, said that the incidents which had taken place in Aceh had been instigated by bands of armed criminals, whose actions could be seen as a consequence of a certain social and economic dissatisfaction, which had persisted despite the substantial efforts of the Indonesian Government to promote development.

129. The criminals had committed their acts of terror and intimidation in only three subdistricts in the province; however, that had been taken as an indication that there was widespread social unrest; some non-governmental organizations had attributed political overtones to those disturbances and thus blown the situation out of all proportion. The Government had naturally taken steps to restore peace and public order, and in the process some people had been temporarily detained. After a thorough police investigation, 24 people who had been directly involved in the disturbances had been charged, and they would be tried publicly in March 1991.

130. Government representatives and non-governmental organizations alike had referred to the question of self-determination in East Timor. If such comments were relevant at all, they should be raised in the proper forum of the dialogue between Indonesia and Portugal under the auspices of the United Nations Secretary-General, rather than in the Commission on Human Rights. Indonesia was already fully committed to the talks; any encouragement could, perhaps, be better directed at the other party concerned.

131. As his delegation had repeatedly stated, the promotion of human rights was the main concern of the Government of Indonesia, in East Timor as elsewhere. Demonstrations had not been banned, provided that they did not disturb public order; however, the misleading impression had been created that demonstrations were widespread throughout the entire territory whereas, in fact, they had been isolated incidents in protest against the lack of employment opportunities.

132. The representative of Australia had commented on the Indonesian Government's efforts to improve the human rights situation in East Timor. The Government was attempting to develop the socio-economic structure and the administration of justice in the territory, with valuable assistance from Australia for the development of the province. The "residual" problem referred to by the Australian delegation was mainly a legacy of colonialism, which had kept the people in poverty, ignorance and illiteracy. Moreover, some of the difficulties that had arisen had been created by former residents of East Timor, now living in Australia who were completely out of touch with the current situation in the territory.

133. The allegations of detention, torture and killings made by some speakers were entirely unfounded. The Indonesian Government's invitation to the Special Rapporteur on Torture was clear proof that it had nothing to hide. The Government was willing to consider any request from reputable human rights organizations to visit East Timor if they could prove their sincerity and objectivity, but it could not be expected to welcome groups which had made derogatory statements even before they had ever visited the territory.

134. The Government's main concern was to promote the enjoyment of all human rights by all the people of East Timor. Developments in the territory had been more and more encouraging in recent years, and the few incidents which had taken place should be seen for what they were - a natural consequence of the development process.

135. Mr. MOTTAGHI-NEJAD (Observer for the Islamic Republic of Iran), speaking in exercise of the right of reply, said that a person purporting to represent the International Falcon Movement but who, in fact, was one of the Mojahedin opponents of the Iranian Government, had made a number of baseless allegations against the Islamic Republic of Iran and criticized the reports of the Commission's Special Representative. He wished to point out that the rights of the Iranian people had been infringed by terrorists and spies. Religious and political leaders and ordinary citizens had been attacked by armed terrorist groups. Those groups had murdered innocent people and hijacked civilian aircraft inside the Islamic Republic of Iran and in other countries such as Austria. In conclusion, he wished to stress that the Special Representative had reiterated his condemnation of terrorism and had listed the names of the martyrs in his interim report on the human rights situation in the Islamic Republic of Iran (A/44/620).

136. Mrs. QUISUMBING (Philippines), speaking in exercise of the right of reply, said that her delegation had been surprised to hear the representative of the Women's International League for Peace and Freedom making completely false allegations about the "total war policy" of the Philippine Government. Unlike its predecessor, the Government considered human rights more important than crushing the insurgents who opposed it.

137. The Office of the Peace Commissioner, an advisory body under the Office of the President, had drawn up a number of proposals for confidence-building and conflict abatement. They included the disbanding of the Citizens Armed Forces Geographical Units (CAFGUs) and a reorganization of civil defence activities, including the establishment of local cease-fires and peace zones in troubled areas. Educational campaigns and economic development measures were also planned.

138. The Women's International League for Peace and Freedom had failed to acknowledge that such measures were already under way; it had dwelt on the negative aspects of life in the Philippines and remained silent about the good ones. The Government was willing to listen to anyone who genuinely wished to help it to implement its human rights policies.

139. Mr. DAHAB (Observer for Sudan), speaking in exercise of the right of reply, alluded to remarks made by the spokesman for the European Community and by Norway. When the Sudanese Government had come to power, it had inherited a chaotic situation and an economy in crisis; it had, accordingly, declared a state of emergency in accordance with international law to deal with the armed conflict in the south of the country, smuggling and illegal currency transactions. Those emergency measures had since been relaxed. After the attempted coup d'état in April 1990, the officers responsible had been charged and tried in accordance with military law.

140. The Government was now considering ways of resolving the problems which had led to armed conflicts by introducing a federal system of government. He called the attention of the spokesman for the European Community to the favourable report of the mission to Sudan by the European Community and the African, Caribbean and Pacific (ACP) States in December 1990. He referred the observer for Norway to his country's earlier rights of reply to remarks by Canada and Amnesty International.

141. Mr. PAK DOK HUN (Observer for the Democratic People's Republic of Korea), speaking in exercise of the right of reply, said that his delegation welcomed the presence of non-governmental organizations at the session as a useful contribution to the fight against human rights violations. However, some of those organizations deliberately tried to focus the Commission's attention on certain countries for their own political purposes, which jeopardized the Commission's impartiality and credibility. For instance, the International Organization for the Elimination of All Forms of Racial Discrimination (EAFORD) had made slanderous allegations against his country for the third year running.

142. Human rights and fundamental freedoms in the Democratic People's Republic of Korea were protected and guaranteed by its socialist system of Government. Arbitrary arrest and torture were prohibited by law. Disabled people suffered

no discrimination; on the contrary, the Government provided special facilities for them, including employment schemes where disabled people could work despite their disabilities and enjoy life to the full.

143. Mr. MBARUSHIMANA (Observer for Rwanda), speaking in exercise of the right of reply, said that the International Movement for Fraternal Union among Races and Peoples had alleged that violations of the right to life took place in Rwanda, although the speaker had also acknowledged the positive developments in the country, including the Declaration of Dar Es Salaam on the problem of Rwandese refugees, issued in February 1991 by Burundi, Rwanda, Tanzania, Uganda and Zaire. The right to life was sacred in Rwanda. Over the past few months, there had been deaths due to rebel action, legitimate acts of self-defence and epidemics of disease. He wished to thank the member States of the European Community for the support they had expressed for his country's peace initiatives, in which the Declaration of Dar Es Salaam played an important part.

144. Mr. PAPUCIU (Observer for Albania), speaking in exercise of the right of reply, said that the representative of Yugoslavia had made slanderous accusations against his country, which his delegation rejected completely. Albania was engaged on the road to democracy; citizens' rights and freedoms were enshrined in the Constitution and enjoyed in practice by all. The government's concern about the suffering of ethnic Albanians in Kosovo province in Yugoslavia were shared by many other countries. Albania was certainly not intervening in the domestic affairs of Yugoslavia: it merely wished to promote stability in the Balkans and throughout Europe.

145. Mr. SOKHONA (Mauritania), speaking in exercise of the right of reply, said that the concerns expressed by the representative of the International Movement for Fraternal Union among Races and Peoples had already been adequately explained before the United Nations. His delegation would willingly provide the representative with more details, and he hoped that the organization concerned would display more objectivity in future.

146. The CHAIRMAN, referring to agenda item 12 (a), said that at the request of the interested delegations and in accordance with past practice, he wished to propose the following draft decision to the Commission:

> "At its 44th meeting, on 27 February 1991, the Commission decided, without a vote, that the debate under agenda sub-item 12 (a) 'Question of human rights in Cyprus' should be postponed to the forty-eighth session of the Commission and be given due priority at that session, it being understood that action required by previous resolutions of the Commission on that subject would continue to remain operative, including the request to the Secretary-General to provide a report to the Commission regarding their implementation".

147. The observer for Turkey had requested that his reservations with regard to previous decisions of the Commission should be placed on record.

148. If there was no objection, he would take it that the Commission wished to adopt the draft decision.

149. It was so decided.

150. The CHAIRMAN said that the Commission had now concluded its consideration of agenda item 12.

151. Mr. Martius (Germany), Vice-Chairman, took the Chair.

HUMAN RIGHTS AND SCIENTIFIC AND TECHNOLOGICAL DEVELOPMENTS (agenda item 14) (E/CN.4/1991/38 and 39; E/CN.4/Sub.2/1990/7 and 12).

152. Mr. MARTENSON (Under-Secretary-General for Human Rights), introducing the agenda item, recalled that the subject of the impact of scientific and technological developments on human rights had been a major concern of the International Conference on Human Rights held in Tehran in 1968. Since 1968, the issue had been considered in various United Nations organs, including the General Assembly and the Commission on Human Rights. The question had appeared on the Committee's agenda since its twenty-seventh session in 1971, and so far 26 resolutions had been adopted. At the same time, United Nations human rights bodies had been entrusted with codification activities on the subject. In 1975, the General Assembly had proclaimed the Declaration on the Use of Scientific and Technological Progress in the Interests of Peace and for the Benefit of Mankind, and the Commission and the Sub-Commission on Prevention of Discrimination and Protection of Minorities had worked since then towards the implementation of the principles contained in the Declaration. At its forty-fifth session in 1990, the General Assembly had adopted, by resolution 45/95, the Guidelines for the Regulation for Computerized Personal Data Files which had been drawn up by the Special Rapporteur of the Sub-Commission, Mr. Joinet. The General Assembly had requested Governments to take into account those guidelines in their legislation and administrative regulations. It had also requested governmental, intergovernmental and non-governmental organizations to respect them in carrying out activities within their own field of competence.

153. In 1977, at its thirty-third session, the Commission had requested the Sub-Commission to study, with a view to formulating guidelines, if possible, the question of the protection of those detained on the ground of mental illness against treatment that might adversely affect the human personality and its physical and mental integrity. The long process of research and codification had led in October 1990, to the adoption by the Working Group of the Commission of draft Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care. The Chairman-Rapporteur of the Working Group, Mr. Steel, would introduce the report, which was contained in document E/CN.4/1991/39. The movement and dumping of toxic and dangerous products and waste was another sub-item under agenda item 14. The Commission had before it a report by the Secretary-General (E/CN.4/Sub.2/1990/7), and a report by the Special Rapporteur of the Sub-Commission, Mrs. Ksentini (E/CN.4/Sub.2/1990/12).

154. Another sub-item concerned human rights and the environment. At its forty-fifth session, the General Assembly had adopted resolution 45/94 on the need to ensure a healthy environment for the well-being of individuals. In that resolution, the General Assembly had approved the decision of the Commission and the Sub-Commission to begin a study on the environment in relation to human rights, and had encouraged the two bodies to continue their consideration of the issue and prepare a report on the problems of the relationship between the environment and human rights for the Preparatory Committee of the United Nations Conference on Environment and Development.

155. Finally, he wished to draw the Commission's attention to document E/CN.4/1991/38, containing a note by the Secretary-General on the implementation of Commission resolution 1990/39. In that resolution, the Commission invited the United Nations University to submit to it, at its forty-seventh session a final report on its study on the impact of scientific and technological developments on human rights and fundamental freedoms.

156. Mr. STEEL, Chairman-Rapporteur of the Working Group on the Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care, introducing the Group's second and final report (E/CN.4/1991/39), recalled that its mandate had been to examine, revise and simplify as necessary the draft body of principles and guarantees earlier submitted to the Commission by the Sub-Commission. The Sub-Commission had itself worked on the topic for something like eight years and he wished to pay a tribute to Mrs. Daes and Mrs. Palley, the two Special Rapporteurs of the Sub-Commission who had created the essential framework for the Working Group's own labours. The Group's working methods had reflected a distinct desire on the part of all concerned to concentrate on practical issues and not to spend valuable time on statements of general position. It had also agreed to operate with the minimum of formality consistent with an orderly approach to its task.

157. The Group was open-ended and had attracted participation from a wide range of Governments, both members and non-members of the Commission. Countries from all regions had taken part, which had enabled the Group to take full account of what was a most important principle, namely, that the formulations to be adopted should adequately reflect and accommodate all legal and social systems at all stages of development without sacrificing the essential needs and basic rights of the individual human beings ultimately concerned. The Group had been very conscious of the fact that detailed prescriptions and elaborate safeguards that might be desirable for wealthy countries with highly developed systems of medical and mental health services would not make sense in relation to some of the poor countries which had only rudimentary services. In contexts of that kind, the Group recognized that it was essential to search for the right balance between dangerous looseness and unworkable specificity.

158. The Group had also benefited from the participation of representatives of the United Nations Centre for Social Development and Humanitarian Affairs, the International Labour Organisation and the World Health Organization.

159. A contingent of very active non-governmental organizations from all over the world and representing different perspectives of both the caring professions and persons with mental illness and their families had made an invaluable contribution to the work of the Group.

160. With regard to the Principles adopted by the Group, he said that some of the provisions of the text, for example Principle 11 or Principles 16 and 17, concerned topics that the Group had found to be extremely difficult and sensitive and on which it had reached agreement only after long and patient discussion. The final draft represented a carefully worked out balance between different points of view, all of them legitimate from their own perspective but not easy to reconcile in practice. The issues had been exhaustively discussed and the arguments scrupulously weighed. In the end, a balance had been struck.

161. The introduction contained in annex II to the report should be published separately for the benefit of Governments and the public at large. It would be helpful for all concerned to be reminded that the principles were not intended to be a legally binding instrument. As the introduction said, the principles were not intended to cover every legal, medical, social or ethical aspect related to a patient's admission to an institution or his or her detention, treatment, discharge and rehabilitation in the community. They were intended to serve, inter alia, as a guide to Governments, specialized agencies, national, regional and international organizations, competent non-governmental organizations and individuals and to stimulate a constant endeavour to overcome economic and other practical difficulties in the way of their adoption and application.

162. Mr. VASILENKO (Ukrainian Soviet Socialist Republic) said that among the issues relating to the item under consideration, the problem of protecting human rights in a deteriorating environment caused by the consequences of scientific and technological development was of particular importance.

163. With mankind entering the technological era, extremely rapid rates of scientific and technological development which ignored natural laws resulted in environmental deterioration everywhere. As a consequence, a real threat had arisen to such natural ecological rights as the right to a healthy environment, the right to ecologically pure food, the right to ecologically safe articles of everyday use and to ecologically safe working conditions.

164. His country was convinced of the need to adopt urgent measures for the legal protection of ecological rights. It was known that where a threat arose to the human rights of a society, the State adopted legal norms which confirmed the existence of those rights and ensured their legal protection. Such protection was necessary because otherwise it would be impossible to enjoy such fundamental human rights as to the right to life, the right to the highest attainable level of physical and mental health, the right to the standard of living required to sustain the health and well-being of the individual and his family.

165. As a result, the concept of human rights had in recent years acquired a new dimension. Threats unknown to previous generations dictated the need for the adoption at the national and international levels of effective legal measures designed to safeguard ecological rights and to establish additional safeguards for fundamental human rights.

166. His country had already undertaken measures aimed at creating a legal basis for the protection of ecological rights. In early 1990, the Presidium of the Supreme Soviet of the Ukrainian SSR had adopted a Decree banning the production, processing and sale of agricultural products containing harmful chemical substances at levels above accepted limits. The Decree provided that information on ecological conditions in the Ukrainian SSR, including the pollution of the soil, water resources, atmosphere and food, which had a negative impact on human health, flora and fauna must be published in the press. The Supreme Soviet of the Republic had adopted and had under discussion many other decrees and laws aimed at protecting the ecology and human rights. His country was in the process of drafting a new Constitution that would include ecological rights among fundamental human rights. The Ukrainian SSR was prepared to co-operate at the international level in the

development of international standards on ecological rights, taking into account the experience and requirements of the States concerned. His delegation noted with satisfaction that within the framework of the Commission, the first, although modest, step had been taken in that direction. He was referring to the note (E/CN.4/Sub.2/1990/12) prepared by Mrs. Ksentini, pursuant to Sub-Commission decision 1989/108 and Commission resolution 1990/41, in which she said that it would be hard to deny that a right to the environment existed. The note quite rightly raised the question of the need to define the position occupied by ecological rights within the hierarchy of human rights standards, to define their nature and to resolve the issue of ways to implement them.

167. In his delegation's opinion, the study which Sub-Commission resolution 1990/7 requested Mrs. Ksentini to prepare should contain a list of specific ecological rights which could be the subject of discussion within the Preparatory Committee of the forthcoming United Nations Conference on the Environment and Development. Such a list could consist of the following rights: the right to ecologically healthy habitat; the right to ecologically pure food products; the right to ecologically harmless articles of everyday use; the right to ecologically safe working conditions; the right to receive and disseminate accurate information on the status of the natural environment, the quality of food products, articles of everyday use and working conditions; the right to participate in the resolution of questions concerning the location of industrial enterprises and the use of technologies which might create a threat to life and health; and the right to indemnification for damage caused to the life and health of persons because of environmental pollution of the production and sale of ecologically dangerous foodstuffs and goods.

168. In his delegation's opinion, such a report could serve as a basis for the preparation and adoption by the United Nations Conference on the Environment and Development of a Declaration on Ecological Rights.

169. Mr. ZAMIR (Bangladesh) said that the search for a balance between the enjoyment of human rights and new scientific and technological developments was complex and not easy to resolve. He was referring to growing concerns by all people as well as by Governments about the risks inherent in embyronic research, organ transplant and genetic experimentation. In the realm of life sciences, particularly medicine and biotechnology, the question arose as to whether morality and positive law were adequate to ensure the proper use of technology involving experimentation on the human body or whether new rules were required. The unprecendented acceleration of knowledge and technology applied to life sciences required every individual and society as a whole to assume responsibility for the preservation of human rights. Without respect for human rights, the kind of society mankind created might not survive.

170. The subject of dangerous toxic wastes and the sale of outdated pharmaceutical products were of great concern to all, particularly the developing countries, and his delegation was anxious that those issues should be thoroughly discussed by the Commission.

171. The Commission should take an active part in the ongoing discussion of the problems involved, in consultation with non-governmental organizations and experts. In so doing, it should be guided by the conviction that there could be no scientific and technological development in any field which did not increase the rights and enhance the dignity of the individual.

172. Ms. ILIC (Yugoslavia), recalling operative paragraph 3 of Commission resolution 1986/9, said that her delegation noted with satisfaction that the study on the impact of scientific and technological developments on human rights and fundamental freedoms had been completed by the United Nations University and that its conclusions and recommendations had been submitted to the Commission. The University had responded to the Commission's invitation by launching a research project on the interrelationship between human rights and advances in science and technology, focusing especially on the interaction between socio-cultural, economic and political factors, on the one hand, and scientific and technological advancement, on the other. The study made it clear that there was much scope for the process of guiding and channelling technology so as to make it an instrument for the furtherance of human rights in the developing world. It also emphasized that the vast number of research topics awaited attention. For those reasons, her delegation believed that the best course would be to press the Sub-Commission on Prevention of Discrimination and Protection of Minorities to consider, at its next session, the study in question, in particular the applicability of its conclusions and recommendations to the future work of United Nations bodies in that field.

173. Her delegation noted with appreciation that the Working Group on the Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care had concluded its work. It hoped that by adopting the body of Principles, the Commission would provide better protection for the human rights of the persons concerned.

174. Mr. RAMISHVILI (Union of Soviet Socialist Republics) said that the body of Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care was undoubtedly the result of a compromise but nevertheless contained substantial elements of the legal practice of various countries. The body of Principles was not a convention and therefore did not claim to be all embracing in nature. However, the principles it contained made it possible, taking into account the possibilities in each individual country, to carry out work relating to the organization of mental health care on a humanitarian and democratic basis.

175. The draft was a valuable yardstick for evaluating mental health care in individual countries. In the USSR, for example, where violations of human rights had occurred in the field of mental health care in the past, much had been done at the present time to align such care with generally accepted international standards. However, much remained to be done. He wished to point out that a bill on mental health care in the USSR provided for the criminal responsibility of persons who placed a healthy person in a psychiatric clinic.

176. Soviet representatives had taken part in the work on the body of Principles proceeding from the basis that the document was important and useful for the international community. His delegation therefore firmly supported its adoption at the current session of the Commission and its submission to the General Assembly thereafter for approval.

177. In conclusion, he said that the immense possibilities for scientific and technological progress in medicine had substantially broadened the spectrum of new ultramodern methods which had a favourable impact on the human organism for medical purposes. He was referring to the transplant of organs and laser

therapy as well as related fields such as biochemistry and genetic engineering. However, he could not exclude the danger of mistakes or improper use of those latest methods for selfish or other anti-humane purposes. His delegation was concerned about the legal and human aspects of the use of the latest scientific and technological developments in medicine and related fields and thought that the Commission, together with other United Nations bodies concerned with human rights, should consider those issues.

178. Mr. CAMPBELL (Observer for the United Kingdom) said that the final report of the open-ended Working Group responsible for examining, revising and simplifying the draft body of Principles for the protection of persons with mental illness and for the improvement of mental health care had brought to fruition a standard-setting exercise first embarked upon in the late 1970s. The Group had had the benefit of many detailed comments and recommendations submitted by Governments and non-governmental organizations. It had been an open-ended group with members from all parts of the world, representing countries with very differing medical systems and legal traditions. It had also benefited greatly from the active participation of non-governmental organizations which had ensured that practical considerations were at the forefront of the discussions. The thoroughness of the work and the spirit of co-operation and, where necessary, of compromise in which it had been completed was a tribute to all who had participated in it.

179. The Principles covered a wide range of the most important areas of protection needed by persons suffering from mental illness, including consent to treatment, admission to mental health facilities, review mechanisms and procedural safeguards. In pursuing its difficult course, the Working Group had wished, on the one hand, to ensure that the body of Principles could have the widest possible application, taking account of the differing cultural, medical, legal and economic conditions in the various countries. It had also sought to ensure that the Principles were sufficiently precise to enable them genuinely to promote the protection of the mentally ill. The Group had succeeded in striking a sensible balance between those two objectives. The introduction to the Principles, in annex II of the report, made it clear that they were intended as a guide to Governments, specialized agencies and others. Although they might not be capable of immediate application in all countries at all times, they represented a body of good practice that should be striven for.

180. His Government, which had played an active role throughout the exercise, believed that the body of Principles was of particular value in dealing with the situation of a vulnerable group in society. People with mental illness had not always received the special attention they deserved either at the national or the international level. The body of Principles went a considerable way to making good that deficiency, and his delegation hoped they would prove to be of enduring worth.

181. In its report, the Working Group had noted that the body of Principles was the outcome of a wide-ranging, searching and conscientious discussion. His delegation earnestly hoped that the Commission would endorse the Principles and submit them to the Economic and Social Council and the General Assembly for adoption, and that they would then be disseminated widely to make the fruits of many years' work available to all Governments and, in particular, to promote the interests of people suffering from mental illness.

182. Mr. BURDEKIN (Australia) expressed appreciation to the Chairman-Rapporteur of the Working Group on the Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care for his report (E/CN.4/1991/39) and thanked the participating Governments and non-governmental organizations. His delegation fully endorsed the comments by the Chairman of the Working Group on the status of the draft text.

183. The human rights standards outlined in a number of international instruments on the care and protection of vulnerable and disadvantaged groups were a gauge against which to measure the acts and practices of Governments and communities. The importance of a rights-based approach to services provision and policy formulation transcended many issues that daily preoccupied and influenced bureaucrats, administrators and politicians. Many disadvantaged groups, including persons affected by mental illness, whose rights had not so far been provided for in any authoritative international instrument, could benefit from the adoption of the specific rights set forth in human rights instruments if they were implemented at the national level. A specific instrument was clearly needed, since existing instruments such as the Declaration on the Rights of Disabled Persons, contained few provisions specific to the problems of the mentally ill. The Principles before the Commission met that very important need and would considerably benefit not only the persons directly concerned but also their families and the community at large.

184. The Principles recognized the right of all persons to the best available mental health care; called for protection from exploitation, abuse and degrading treatment; confirmed the entitlement of many millions of people with mental illness to enjoy the same basic human rights as all other persons; called for proper procedures for determining whether a person lacked the capacity to exercise any of his rights because of mental illness; specified that any restrictions on rights must be the minimum necessary; made detailed provisions regarding standards of treatment, consent to treatment, involuntary admission, privacy and access to information, procedural standards and resources for mental health care; and required that those rights should be made widely known. The latter requirement was extremely important since widespread community ignorance was the primary cause of serious and often blatant discrimination against persons with a mental illness.

185. The Australian Bureau of Statistics had recently estimated that of Australia's total population of 17 million, 3 million persons, or nearly one in five, were suffering, had suffered or would suffer from mental illness. Studies indicated that there was a similar proportion of sufferers in other countries. Some were suffering from a syndrome with symptoms so slight, or so well stabilized by appropriate medication, as to be virtually unnoticeable, while a minority had a severe illness that was so disabling as to prevent them from functioning normally. Despite the prevalence of mental illness as illustrated by the figures he had given, the stigma attached to it remained, and serious and widespread discrimination occurred in the provision of services, attitudes of employers and personal dealings with the mentally ill in the community, thus aggravating the pain and disadvantage of those already facing the difficulties of their own illness. There was unfortunately a widely held belief that persons with mental illness displayed bizarre behaviour and were to be feared, blamed and avoided. The lack of public awareness might partly explain the widespread discrimination against them.

186. From many complaints that had been received and from consultations held by the Australian Human Rights Commission, it had become increasingly apparent that serious violations of the most basic rights of people with mental illness were occurring. A two-year inquiry into such violations was scheduled and the draft body of Principles would be among its primary tools. For his delegation, it was most important to ensure that that instrument would have immediate and practical effect and would be used as a yardstick to test the commitments his Government had made to human rights against what was happening in practice.

187. Ms. PARKER (Disabled Peoples' International) said that her organization welcomed the completion of the work of the Working Group on the Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care, since it had been keenly interested in seeing such a document ever since the topic had first been introduced in the Sub-Commission, and it had actively participated in the work of the Working Group. Her organization had submitted a written statement suggesting improvements in some small areas, which might later be accommodated in other United Nations forums. It urged the Commission to adopt the existing text, a number of whose provisions would be particularly valuable in helping Governments to improve the situation and safeguard the rights of persons with mental illness. Firstly, it reflected her organization's strong preference for non-institutional treatment of mental illness and the limiting of institutionalization, particularly when involuntary, to extreme situations. That was essential to encourage Governments to provide the clinically more productive community care to which the vast majority of persons with mental illness best responded. Even supervised or sheltered semi-independent living arrangements were vastly superior to institutional care, and far less expensive.

188. A further key element in the text was the need for informed consent prior to treatment. That had been found to be far more successful than involuntary treatment and was also essential to protect the dignity of the person concerned. The text also required that the treatment should be designed to meet the actual mental health needs of the person concerned. It prohibited the use of pacifying drugs or other treatment merely to make patients docile in the institutional setting. Those provisions would help to check the wide abuse that had been prevalent in a number of countries.

189. A third key element was the recognition that persons with mental illness were entitled to counsel to protect their interests. All too often, such patients had been involuntarily committed to institutions and had been kept there unnecessarily for years merely because there was no one to safeguard their interests. In many other cases, they were denied appropriate treatment and left to fend for themselves, usually in the streets. No Government had an interest in improper commitment, lack of treatment or other abuse of persons with mental illness, and Governments could therefore be expected wholeheartedly to endorse the relevant provision and the protection it offered.

190. Her organization particularly welcomed the almost complete focus on the needs of persons actually suffering from mental illness. That was important, since attention had sometimes been focused on the situation of persons, possibly political dissidents, merely alleged to be mentally ill and treated as such. Governments should study the entire text carefully. They could not

but agree that the combined efforts of all concerned had produced a singularly clear text, with strong respect for the dignity and rights of persons with mental illness and appropriate emphasis on effective remedies to guarantee those rights.

191. Mr. WADLOW (International Fellowship of Reconciliation) welcomed the attention given by the Commission to environmental rights under agenda item 14. The environment and ecology raised the question of relations between mankind and nature at its most elementary level. Nature was seriously threatened throughout the world through wars and armed conflict, misuse of resources, wastage and accidents, all of which threatened the right to life. His movement encouraged increased co-operation in facing up to those dangers and hoped the Commission would play an increasingly important role. Preparations for the 1992 Conference on the Environment and Development would offer an opportunity to co-ordinate the various efforts made, including the Declaration of the 1972 Stockholm Conference and the World Charter for Nature (General Assembly resolution 37/7). Those were important human rights aspects for the Conference, and the activities of human rights organizations could be extremely useful in that regard.

192. It was particularly important to stress, first, that everyone had the right to an environment favourable to their health and well-being and had a duty to protect that environment for the benefit of future generations; second, that all public or private entitites must conduct their activities in such a way as to protect the environment and must be made responsible for their actions and that any person, group or organization had the right to access to environmental information; third, that every person, group or organization had the right to participate in any decision affecting its environment; fourth, that any individual, group or organization whose environment was affected or about to be affected must immediately be so informed; fifth, that any individual, group or organization whose environment was affected or about to be affected must be made aware of the legal proceedings available for its protection and must receive just and speedy compensation; and, last, that non-governmental organizations had the right to act on behalf of individuals and groups in the interest of the environment.

193. His organization welcomed the comments made by the President of the Ukrainian Soviet Socialist Republic on the need to codify environmental rights, and hoped that his efforts would lead to the co-operative work that those important issues deserved.

194. Ms. BECK (World Movement of Mothers) said that the serious events taking place in the Gulf region should not cause the social problems of the day brought about by scientific and technological progress to be forgotten. The World Movement of Mothers supported the draft body of Principles for the protection of persons with mental illness and for the improvement of mental health care (E/CN.4/1991/39), and particularly Principle 1 (4) and (5), Principle 3, Principle 4 (4), Principle 8 (2), Principle 9 (3) and (4), Principle 11 (12) and Principle 13 (2 (b) and (d)).

195. A number of the 25 Principles were generally accepted and were being applied. Her organization was nevertheless surprised and alarmed at certain medical practices which disregarded what was the most elementary right of everyone at any age: the right to life. Technological and scientific

progress should help in the integration, cure, or at least the improvement and protection, of people suffering, or presumed to be suffering, from mental illness. A practice was developing for detecting chromosome abnormalities in unborn children. If the aim of such research, in the form of amniocentesis, for example, was to take therapeutic action for the good of the child, there was nothing reprehensible about it, but when it came to offering the parents an opportunity for an abortion, her organization could not subscribe to it. Parents were now offered the cruel choice of inducing an abortion or bringing a "different" child into the world. Her organization denounced what for the medical profession was a curious way of interfering in human lives. Ever since the time of Hippocrates, it had always been considered that a doctor was trained to use his science and knowledge in order to care for and cure his patients, and not to kill. She asked what was the basis for rejection of scientific evidence for the existence of a human life from the moment of conception. Such contempt for life by people who had a natural duty to protect it could lead to aberrations of the kind that had taken place under certain well-known régimes, or to society's abandonment of weak and unprofitable human beings.

196. It was therefore providential that the report of the Working Group had drawn attention to the duty of those who had forgotten that the mentally ill or handicapped were their brothers with a right to exist, that their lives were sacred and that no one had a right to dispose of them under a false humanitarian pretext. Following the adoption of the Principles, they must be respected, and the stigma must be removed from the existence of mental illness and replaced by proper and loving care.

197. Mr. PREJEAN (International Indian Treaty Council) said that his organization stood in solidarity with the people caught in the cross-fire of the Gulf war. The islands of Hawaii were strewn with waste from military training exercises, the eighth largest island having finally seen a cease-fire following 15 years of active protest against the military destruction of a precious and limited life-source in the Pacific - the supposed Ocean of Peace. Makua Valley in the highly populated main island of O'ahu had also been poisoned by military training. Shelling caused constantly burning fires which destroyed indigenous plants and forests, whose production should be for the use of the indigenous people of Hawaii. Much of the land being misused by the United States military authorities had been illegally seized under martial law during the Second World War. The stolen lands had never been paid for or returned to their rightful owners after martial law had been declared illegal.

198. Rocket testing on Kauai island threatened subsistence and commercial fishermen with mercury oxide poisoning from fall-out and with loss of life from errant missiles, while Pearl Harbour was now polluted by nuclear powered ships and leaky and rusting equipment where many fisheries had once flourished. Funds could be put to good use in a restoration programme to clear up the debris and waste caused by military destructiveness.

199. Pesticides banned in mainland United States were still being used in sugar growing in Hawaii, and numerous drinking wells had been closed because of contamination. Many of the poisons used were odourless and tasteless. The public in many areas had lost all confidence in government agencies, which were concerned more about public relations than about public health. Use was also made on golf courses of many pesticides that leached into the water table and into the ocean, killing much of the marine life that sustained many of the people.

200. Kalama island, now known as Johnston Atoll, had been stolen from the Hawaiian people by annexation by the United States. Nerve gases transferred from stockpiles in Okinawa and other South Pacific islands were being incinerated there. More than 100,000 canisters of deadly nerve agents had also been moved there from Germany. Faulty welding had been discovered on some of the containers, and malfunctioning of incinerators was commonplace. Yet the army's public relations office in San Franscisco continued to issue false press releases designed to mislead the public and stifle legitimate protest. Inhabitants downwind were terrified of possible accidents.

201. The Pacific was becoming the toxic dumping ground for Governments and many multinational corporations. The users should be made responsible for safe disposal. Japan's practice of dumping drums of radioactive materials must be condemned and discontinued.

202. Islands misused for nuclear testing by the United States in the Second World War were still contaminated. It was accepted practice on the part of the United States to attempt to buy off the Pacific island inhabitants with miserly payments. Australian aborigines were still suffering the effects of past atomic bomb tests. In common with the Pacific indigenous people, they had been unknowing guinea-pigs and had never been given proper health care or compensation. The Shoshone Indians of Nevada had been subjected to the effects of over 700 underground tests, whose radiation could never be totally contained, while the Dene and Hopi Indians had suffered contamination as a result of uranium mining by industries that put profit before people. Like the miner's canary, indigenous people had been used as indicators to show what the danger might be for others. They were like the magnificent Honu turtles, now covered with unexplainable tumours. Time was short, and the Pacific was no place for toxic waste.

203. Ms. AHIABA (Grand Council of the Crees) said that her organization represented the indigenous peoples of James Bay in northern Quebec. Indigenous peoples had a special understanding of the relationship between human rights and the environment. For most of them in the so-called "New World" there was a direct relationship between human rights abuses and environmental degradation, which characterized the relationship between them and the colonial States and their successors. In 1992, many States would celebrate the "discovery of the New World", which, for the indigenous peoples, had marked the beginning of the destruction of their environment and of the simultaneous destruction, extermination and genocide of the people. The States that had occupied their lands had expropriated their resources and basic means of subsistence, seeking to use the land only for their own benefit, regardless of the hardship and suffering caused to the indigenous people.

204. It was only beginning to be realized that all people lived on the earth together and that the harm done to the world's environment affected the ability of everyone to survive. For the indigenous peoples, the effect had been immediate and the harm done had escalated until their very existence had been threatened. To take away a people's means of subsistence, to poison the fish on which it fed, to cut down its trees and drive away its game was a clear abuse of human rights.

205. His organization therefore stressed the relevance of article 1 of the International Covenants providing for the right of all peoples to self-determination. For the indigenous peoples, self-determination was the only means of preventing their continued extermination, since it was from the right to self-determination that they derived protection against the historical denial of their means of subsistence, which was, in effect, the denial of their right to life.

206. The Grand Council of the Crees had been formed with a view to preventing the construction of a destructive hydroelectric project on its territory. Despite its efforts, construction had proceeded, with no consideration for the environmental consequences it would have on the human rights of the indigenous people. The Government of Quebec was now building another hydroelectric project that would destroy a territory as large as France, and the environment would be sacrificed so that electricity could be sold cheaply to the United States, aluminium smelters could be installed in Quebec and Canada could continue to consume more energy per capita than any other industrial society in the world.

207. There was a connection between human rights and the environment and there must be a balance between the environment and development. When considering "sustainability", thought must also be given to sustaining the human rights of the indigenous peoples. Not all development was genuine development. There was nothing fundamentally superior about such economic activities as dam building, forestry and mining, which degraded the environment, over the economic activities of the indigenous peoples, which had left the earth largely unspoilt for future generations of human beings to enjoy. Everyone would be better off if it was understood that all peoples and States had something to learn from the indigenous peoples.

208. Ms. BLOCH (Minority Rights Group) said that many peoples of the Pacific had their own State but could be considered as minorities since they had no effective power over the scientific and technological developments that affected their lives. The Pacific Ocean covered a third of the earth's surface and was home to 8 million people in the three great highland groups of Melanesia, Micronesia and Polynesia, but its peoples, which it had sustained for thousands of years, were now under threat.

209. Its vast spaces and sparse population were perceived as ideal for the testing, storing and disposal of long-range missiles and weapons of mass destruction, including nuclear, chemical and biological weapons. Those technological developments were degrading the Pacific environment, destroying the health of the Pacific peoples and undermining their most basic human right - the right to life.

210. Europeans had begun their exploitation and colonization of the Pacific in the early sixteenth century, and the intruders had included Spanish, Portuguese, Dutch, British, French, German, American, Australian and other exploiters. Outside Governments were still interfering by supporting a new form of racism and apartheid in Fiji, which would lead to future violent conflict.

211. Her organization's report on the Pacific and nuclear testing, which could be made available to all members of the Commission, showed how the Pacific had become the main testing ground for new nuclear weapons by the United States, the United Kingdom and France. It had become one of the most militarized regions in the world. In the Bikini Atoll, the United States had carried out 66 atmospheric nuclear tests and 12 high altitude nuclear explosions. Such testing had only been halted following the conclusion of the Soviet-American Atmospheric Test Ban Treaty of 1963. France, however, had not signed that Treaty and had begun to test nuclear weapons in the atmosphere at Moruroa and Fangataufu Atolls in French Polynesia in 1966. Only after widespread protest and trade boycotts had French atmospheric testing stopped, and France was still carrying out regular underground nuclear weapon tests in Polynesia.

212. It was the hapless victims in the Pacific who had paid the price of nuclear testing. Entire populations had had to be removed from areas near testing sites because of radioactive contamination of their homes. Nuclear testing had been surrounded by military secrecy, and the peoples had not been informed of its horrific consequences, which included stillbirths, miscarriages, "jellyfish babies", tumours, leukemia, gastric carcinoma, growth retardation, premature aging, and physical and mental deformity. By 1985, 77 per cent of all Rongalapese who had been under 10 years old at the time of the 1954 "Bravo" test had developed tumours requiring surgery. Australian aborigines exposed to nuclear testing had experienced radiation sickness and blindness. Secrecy surrounded medical data from French Polynesia, but reports indicated high rates of brain tumours, ulcers, miscarriages and stomach cancers.

213. There had also been costs to the environment. Islands and atolls had been destroyed or badly damaged. The beach at Moruroa had been described by French experts as a "nuclear rubbish dump", and nuclear pollution was entering the aquatic food chain. Yet any compensation made available had been delayed and inadequate. Additional environmental threats from microwave radiation, nuclear accidents, proposed nuclear waste dumping and toxic waste and chemical weapons incineration at Johnston Atoll now faced the peoples of the Pacific. The long-term effects of driftnet fishing and of global warming were further causes of worry.

214. Pacific peoples had not been asked whether they consented to nuclear testing, and the possible consequences had not been explained to them. They objected to being used as the solution to problems they had not created, caused by policies over which they had no control and from which they had not benefited. To protect their environment, their health and their basic human rights, the Minority Rights Group requested the Commission to support measures to ensure: that no nuclear testing should take place in the Pacific unless all nations likely to be affected gave their open, free and full consent to it; that full information on past and present nuclear testing and its effects should be made available regularly to all those wishing to obtain it; that generous and immediate compensation should be made available to all Pacific peoples affected by nuclear and other military testing; and that there should be an immediate moratorium on plans to store and incinerate dangerous toxic substances on Johnston Atoll and in any other Pacific territories.

215. Mr. GROSSE (International Federation of Human Rights) said that his organization welcomed the adoption by the Sub-Commission of the note on human rights and the environment (E/CN.4/Sub.2/1990/12) prepared by Mrs. Ksentini, and its request to Mrs. Ksentini to prepare a study on the subject. His organization hoped that the Commission would endorse that proposal at its current session.

216. He wished to single out events in Myanmar as one example of the urgent need for such a study. The current régime, whose legitimacy was disputed, since a new Government had been elected but had not yet been able to assume power, had begun to sell the rights to exploit Myanmar's immense forests, giving priority to foreign companies. To date, up to 43 concessions had been granted to companies from Thailand, South Korea, Japan and Singapore. The average size of the concessions was 100,000 acres, and no conservation requirements were imposed. If the forests continued to be felled at the present rate, within a few years the climate of Myanmar, and possibly of other countries of the region, would deteriorate, forcing many of the population to migrate. Many of the concessions had been granted in areas occupied by the Karens, an indigenous group that had fought attempts by the régime to destroy it and its culture.

217. The situation raised several questions linked to human rights, including the right of indigenous populations to their traditional territory, and to the resources of its surface and subsoil; the human rights aspect of any act entailing damage to the climate; the implications of ecological disasters beyond the frontiers of the State in question; economic, social and cultural rights and environmental problems; the question of the ownership of a country's natural resources and of the allocation of the profits derived from their sale; the right of a régime whose legitimacy was disputed to sell the natural resources of the State; and the consequences under humanitarian law of the destruction, for military purposes, of a belligerent's environment. The subject of Mrs. Ksentini's report would be one of the most important human rights issues in the coming decade. Governments and non-governmental organizations must thus support that initiative.

218. Mr. Bernales Ballesteros (Peru) resumed the Chair.

219. Ms. PARKER (Friends of the Earth International) said that at the 1989 session of the Sub-Commission, her organization, in conjunction with the Sierra Club Legal Defense Fund and the Association of Humanitarian Lawyers, had submitted information calling attention to the relationship between human rights and the environment. In its decision 1989/108, the Sub-Commission had responded to that information by requesting Mrs. Ksentini to prepare a concise note on the subject. That note, contained in document E/CN.4/Sub.2/1990/12, had been submitted to the forty-second session of the Sub-Commission in August 1990. The Sub-Commission had adopted a resolution entrusting Mrs. Ksentini with the task of preparing a study on human rights and the environment, and recommending that the Commission should endorse that action.

220. Friends of the Earth applauded and encouraged the initiative by United Nations human rights bodies to address human rights and the environment in a comprehensive fashion. It was convinced that the Commission's adoption of the Sub-Commission's proposed resolution would be of great value, and that it would lead to the development of urgently needed universal minimum standards

regarding human environmental rights. While many international bodies were addressing one or more aspects of environmental problems, only the Sub-Commission and the Commission were qualified within the United Nations system to address environmental problems from a human rights standpoint.

221. The importance of human rights to environmental problems was best demonstrated by specific examples. Accordingly, her organization had provided a report setting out a few of the many environmental problems which could be redressed by the recognition of environmental rights, including the very fundamental right to information. It had found useful, and thus largely adopted, Mrs. Ksentini's division of environmental problems into the four areas of natural habitats, natural resources, human habitats, and human beings. The report also contained a brief description of the environmental aspects of armed conflict - another area that Mrs. Ksentini's report might usefully examine. Members of the Commission were invited to consult the report during the session. It was to be hoped that the Commission would adopt by consensus the resolution endorsing the Sub-Commission's appointment of Mrs. Ksentini.

222. Ms. MATVEEVA (International Educational Development, Inc.) said that her organization regarded human rights in the context of scientific and technological developments and environmental problems as one of the most important items on the agenda, and one which would become increasingly important in the years to come. It welcomed the initiatives by the Sub-Commission and the Commission, especially that taken by the Sub-Commission in requesting Mrs. Ksentini to prepare a note on human rights and the environment.

223. A wide range of civil and political, as well as economic, social and cultural rights had an environmental dimension. Sometimes the interrelationship was not at first obvious. Freedom of the press, the right to information and environmental problems were closely related: in some recent ecological disasters, the press had not always accurately reported the dangers to the life and health of the population. That had been true of the immediate aftermath of the Chernobyl disaster, which she had personally witnessed.

224. Other aspects of human rights and the environment needed to be defended internationally. Her organization worked, inter alia, to defend the rights of American Indians, which included the right of control over their traditional lands and their environment. No less important was the connection between environmental problems and refugees. Laws existed to protect them from persecution, and when fleeing armed conflict, but no law addressed the situation of persons fleeing natural or man-made disaster. She called upon the United Nations to recognize and defend that category of persons, under article 1 of the United Nations Charter. Her organization had listened with great attention to the statement by the observer for Uruguay under agenda item 12, setting out the urgent need for international action to defend the rights of environmental refugees, involving recognition of their category of refugee in the traditional legal instruments. It also supported the call by the observer for Uruguay to have human rights and the environment adopted as one of the agenda items for the Conference on Environment and Development, in 1992. She regretted that, to date, little provision appeared to have been made for human rights questions, and feared that the Conference might fail to address the topic adequately.

225. Her organization supported the initiative of the Ukrainian delegation with a view to consolidating human rights in the area of adverse environmental consequences of scientific and technological developments.

226. The position of her organization was similar to that of many governmental delegations. It was to be hoped that, through the combined efforts of governmental and non-governmental organizations, human rights at the theoretical and practical levels would be supplemented by the extremely important right to live in a healthy environment.

227. Finally, her organization wished to address the question of the protection of mentally ill persons. It had attended the sessions of the Working Group, and was pleased with the draft body of Principles for the protection of the mentally ill.

228. Mr. DEANE (World Federation for Mental Health) addressed the Commission on behalf of the International Federation for Medical Psychotherapy, the World Association for Psychosocial Rehabilitation, the World Psychiatric Association and the World Federation of Societies of Biological Psychiatry, as well as the World Federation for Mental Health (WFMH), which incorporated over 200 international, regional and national professional and voluntary associations, with over 200,000 members from 90 countries.

229. Those six organizations wished to express their satisfaction with the text of the draft body of Principles for the protection of persons with mental illness and for the improvement of mental health care, the outcome of 10 years of work that was now submitted to the Commission for approval.

230. Although some improvements could doubtless still be made in the text, the six organizations considered that the document was of excellent quality and would constitute an important landmark in the history of the long struggle against abuses, which unfortunately still persisted in a number of countries. More important still, the document warned against neglect, by including the concept of improvement of mental health care. Hundreds of millions of people were affected by mental disorders. They, their families and communities suffered from unnecessary pain, disability and prejudice. Many of those people could be successfully, quickly and inexpensively treated and rehabilitated; others could be helped through the means that had become available.

231. Once approved by the Commission, the Economic and Social Council and the General Assembly, the text of the Principles should exercise strong moral influence and contribute significantly to the protection of persons with mental illness and to the improvement of mental health care across the world. However, more specific guidelines would be needed at national level, to adjust the principles to the very diverse geopolitical and economic settings and conditions under which they would be applied. The six organizations pledged to co-operate with Governments, and in particular with the World Health Organization, in elaborating those guidelines. Through their national associations and their Human Rights Committee, they would also monitor the necessary implementation measures and bring relevant facts to the attention of Governments and of the Commission.

232. Mr. CROOK (United States of America) said that work on the draft body of Principles had begun at a time when psychiatry and forced detention in mental health facilities were being used in some countries as a means of punishing or stifling dissent. Everyone present hoped that that time had now passed and that such abuses would not recur; but even if Governments never again used the processes of mental health care to punish or coerce, the need for those principles remained. Persons with mental illness, and especially the small minority of patients needing to be admitted involuntarily to a mental health facility, were an especially vulnerable group. For too long, in too many countries - including his own - persons with mental illness had been deprived of liberty and denied other fundamental rights. They had been forcibly detained for years, without dignity, protection or hope of release. Observance of the standards and procedures recommended in the Principles would thus help protect the rights of such persons. Their observance would help ensure that the coercive power of the State was applied only in extreme cases, and subject to appropriate safeguards.

233. The Principles were recommendations and guides to conduct, and not a binding treaty. They might differ in detail from approaches taken in some countries. However, they offered a clear and practical reference point to all countries, in all regions and stages of economic development. They were a well considered and constructive response to an important human rights problem stemming from scientific and technological development. His delegation hoped that they would be adopted.

234. His delegation did not have the same enthusiasm for other proposals under that agenda item. It had regularly expressed its concern at the pernicious practice of labelling as "rights" things that were in fact only vague social goals or objectives. It had also urged the Commission to focus on core problems. Energies should be devoted to combating the massive violations of existing standards around the world; not to stretching or distorting the mantle of human rights to cover other topical issues that did not involve human rights at all.

235. Both those concerns were relevant to the present agenda item. His Government, like many others represented in the Commission, was deeply committed to the protection of the human environment. The United States spent billions of dollars in support of research and programmes to enhance the quality of the environment and to remedy past mistakes. It also exerted great efforts in other forums to develop effective international responses to shared environmental problems. Proclaiming a "right" to environmental quality did nothing to help that work. It was a purely political gesture. But it had its costs. It further diluted or degraded the very concept of "rights". By seeking to be topical, the Commission was diverted from the key issues that should be central to its agenda. Members of the Commission all wished for an environment adequate for their own and their families' health and well being. But they must be honest with themselves and with those they wished to protect. The Commission was a Commission on Human Rights: it was not a Commission on the Environment.

236. Mr. BAIER (Austria) said that the need for a clear definition of the rights of mentally ill and mentally handicapped persons, at the international and national levels, had become increasingly evident in the light of the problems that recent scientific, technological and social developments had

brought in their wake. There were very few areas where human rights and fundamental freedoms could more easily be infringed. He therefore wished to stress the importance of the efforts within the United Nations system that had led to the adoption of the body of Principles now before the Commission. All international efforts, however, would be in vain without further progress at the national level. The Principles that the Commission was requested to adopt were intended to serve as a guide to Governments and to all governmental and non-governmental bodies that played a role in national standard setting in the field of mental health care. But the Principles reflected minimum standards for the protection of fundamental freedoms as well as the human and legal rights of persons with mental illness. His delegation thus appealed to Governments to consider, where necessary, adapting their national legislation to the level of those Principles.

237. In that context, he was pleased to announce that in 1990 the Austrian Parliament had adopted a new law on hospitalization and treatment for mentally ill persons, which gave full consideration to human rights, particularly the right to liberty and privacy, which embraced the right to discretion. Wherever possible, treatment required the informed consent of the patient. Conditions under which a person could be hospitalized without his or her consent were very restricted, and applicable only where there was no other means of protecting the life or health of the patient or of others. Another important feature of that law was the principle of strict control by independent tribunals.

238. The value of the Principles would be reflected in the extent to which their provisions could be implemented in the near future. An adequate follow-up process should thus be established, to assist countries requiring advice on adapting their laws to the standards set by the Principles. As a contributor to the United Nations Voluntary Fund for Advisory Services, Austria was also interested in examining the possibility of making available advisory services to countries wishing to draft new legislative provisions or to adapt existing legislation to the standards of the Principles.

239. His delegation called upon the Commission to take the first step along the path of improving mental health care at global level, by adopting the Principles by consensus, before forwarding them to the General Assembly for adoption.

240. Mr. MEZZALAMA (Italy) said that his delegation could support the report of the Working Group on the Principles for the Protection of Persons with Mental Illness and for the Improvement of Mental Health Care as a whole. It nevertheless wished to make a few brief comments on the report, and on the content of some of the Principles. Although it shared the view that the draft "Introduction" appearing in annex II should not form an integral part of the text of the Principles, it considered that they were of such importance as to merit dissemination in some more effective form than the "press release" referred to in paragraph 23 of the report.

241. It was important to adopt a critical attitude towards scientific and technological developments. In that context, great importance must be attached to the contents of Principles 8, 9.3 and 10. It was also important to affirm the connection between respect for personal dignity, protection of freedom and the technical principles that had been adopted by the international

scientific community as the most appropriate methods, namely: recourse to hospitalization only as a last resort, under specially guaranteed criteria and procedures, with the emphasis on treatment and, especially, on reintegration of the patient into the community.

242. Italian legislation, which was currently being partially revised, did not conflict with the guidelines contained in the report, and had indeed anticipated their spirit, and, in some respects, their content. It was well known that, through its innovative character, that legislation had given rise to heated debate in recent years, in Italy and elsewhere. One issue in that debate had been the limitation of involuntary hospitalization, and the attention given to non-institutionalized treatment and the social reintegration of the patient. His delegation thus firmly supported Principles 3 and 7.

243. The Italian legislation, like other advanced legislations, had encountered economic and social difficulties in attempting to implement the Principles. It was thus appropriate to stress the difficulties that countries might encounter in full application of the Principles, in view of their differing circumstances.

244. In the interests of the coherent development of application of the Principles in the various national systems, it also seemed appropriate to stress the international scientific criteria for diagnosing and treating mental illnesses. Principle 4.1 was particularly important in that regard.

245. His delegation was increasingly convinced that, in order to comply with the guiding spirit of the Principles, meticulous attention to detail was necessary. For that reason, throughout the work it had insisted on the need for scrupulous respect for the dignity of the individual, which was protected by the Universal Declaration of Human Rights and reaffirmed in Principles 1, 11.12, 11.13 and 11.14.

246. The results achieved by the Working Group constituted an important advance in respect for and promotion of human rights. His Government was ready to accept the Principles, and hoped that they would be adopted by the Commission during the current session.